UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,576	01/21/2000	William J. Bacr	STL000013US1	6006

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EXAMINER
NGUYEN BA, PAUL H

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	09/489,576	BAER ET AL.
	Examiner	Art Unit	
	Paul Nguyen-Ba	2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>30 October 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

Heather Herndon
Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant contends that there is no indication in McGraw-Hill that a user determines the location of a content identifier when adding a second content identifier to a first content object. Applicant also contends that McGraw-Hill does not disclose wherein "the location determined by the user is between the plurality of content entity identifiers".
Examiner respectfully disagrees. McGraw teaches a custom publishing database that contains a collection of modular, stand-alone text files (see pg. 3, paragraphs 1-3; see also pgs. 5-12) that can be mixed and matched in any order (compare with "at a location determined by user") and seamlessly arranged to create a custom book consisting of the selected modular text files (see pg. 3, bulleted features). Each of the "content entities" of the first and second object lists has corresponding identifiers (see pgs. 5-9, and 12). A user can determine the location of identifiers simply by adding said identifiers in any order that the user prefers. In other words, if user wanted a particular identifier in the second position, user would add said identifier second. Moreover, a user may "add" an identifier at a location between the plurality of content entity identifiers simply by resequencing (see pg. 12 - uppper right corner: "resequence" control) the identifier to a location between the other plurality of content entity identifers. This step is a new "add" and is not a subsequent "add" as Applicant contends. Assuming, arguendo, that this is a subsequent step, nothing in the broad claim language precludes a subsequent step.
Moreover, this limitation is taught by any generic file organization applications. Windows Explorer, for instance, is well-known by those of ordinary skill in the art at the time the invention was made to allow users to add a first file identifier to any location amongst a second list of (including between other file identifiers) by means of a hierarchical tree GUI file organization application.

Applicant further contends that the combination of McGraw-Hill and Helmick do not disclose the relationship between a first content object and a second content object. Examiner respectfully disagrees.
Once again, the metes and bounds of a first content object and a second content object are unlimited. Helmick teaches an on-line educational system for display of educational materials wherein a user can use a course manager screen in order to build an electronic syllabus (see Figs. 3V-3X). Fig. 3X specifically teaches an add content screen used to add or modify content for particular identified units of a course and thus build a syllabus in a tree/outline form for said course (see col. 25 lines 8-58).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of McGraw with the teachings of Helmick to include defining the first object by a first list of content entity identifiers organized as an outline of containers such that adding the content entity identifier of one of the second plurality of content entities to the first list outline adds the identified content entity to the first content object at a location determined by a user for the motivational purpose of building a custom hierarchical outline compilation of educational materials.

Finally, Applicant argumentatively contends that it is not inherent for content to be stored in a data repository or memory.
Examiner respectfully disagrees because without the storage of the objects in a data repository (memory, cache, etc.) for immediate or later retrieval the instant invention would cease to function.

PNB
11/14/06